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Attorneys for Defendant Homecomings Financial, LLC erroneously sued as  
Homecomings Financial Network

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Rosa Galindo; Maria Galindo,  
Plaintiffs,

vs.

Financo Financial, Inc.; Patrick  
Patchin; Ahmed Yama Asefi; Aaroon  
Sadat and Nazia Nawabzada;  
Countrywide Bank, N.A.;  
Countrywide Financial Corp.;  
Homecomings Financial Network;  
Commonwealth Land Title Company;  
Joseph Esquivel; Pamela Spikes; and  
Does 1-100,

Defendants.

Case No. 3:07-CV-3991 MJJ

**DEFENDANT HOMECOMINGS  
FINANCIAL, LLC'S NOTICE OF  
MOTION AND MOTION TO  
DISMISS CLAIMS IN PLAINTIFFS'  
SECOND AMENDED COMPLAINT**

[RULE 12(b)(6)]

DATE: February 26, 2008  
TIME: 9:30 a.m.  
PLACE: Courtroom 11

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 26, 2008, at 9:30 a.m., or as soon  
thereafter as the matter may be heard before Judge Martin J. Jenkins at the United  
States District Court, Northern District of California, located at 450 Golden Gate  
Avenue, San Francisco, California 94102, Defendant Homecomings Financial, LLC  
erroneously sued as Homecomings Financial Network ("Homecomings") will, and  
hereby does, move to dismiss the 1) Second Claim for Negligence; 2) Third Claim  
for violation of the Truth In Lending Act ("TILA"); 3) Fourth Claim for violation of

1 the Real Estate Settlement Procedures Act (“RESPA”); 4) Ninth Cause of Action for  
2 Violation of the California Consumers Legal Remedies Act (“CLRA”); and 5)  
3 Twelfth Claim for Civil Conspiracy from Plaintiffs Rosa and Maria Galindo’s  
4 Second Amended Complaint.

5 This motion is made pursuant to RULE 12(b)(6) of the FEDERAL RULES OF  
6 CIVIL PROCEDURE because Plaintiffs’: 1) Second Claim for Negligence; 2) Third  
7 Claim for violation of TILA; 3) Fourth Claim for violation of RESPA; 4) Ninth  
8 Cause of Action for Violation of CLRA; and 5) Twelfth Claim for Civil Conspiracy  
9 fail to state facts upon which relief can be granted.

10 This motion is based upon this notice of motion and motion, the  
11 accompanying memorandum of points and authorities, the request for judicial  
12 notice, the pleadings and papers on file in this action, and on such further oral and  
13 documentary evidence as may be presented at the hearing of this motion.

14  
15 DATED: January 15, 2008

16  
17 By /s/ Frederick A. Haist  
18 E. SCOTT PALMER  
19 FREDERICK A. HAIST  
20 PALMER, LOMBARDI & DONOHUE LLP  
21 Attorneys for Homecomings Financial, LLC  
22 erroneously sued as Homecomings Financial  
23 Network  
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